Sr.No. 137

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**
**AT JAMMU**

Case: WP (C) No. 3045/2024
CM No. 7508/2024

01. Sarita Rani ….Appellant/Petitioner(s)
Assistant Commandant (Min.)
IRLA No. 11891
Presently posted in the office of Dy. Inspector
General, Group Centre, CRPF Bantalab Jammu.
Age 58 years.

02. Kamlesh Devi
Assistant Commandant (Min.)
IRLA No. 120069
Presently posted in the office of Dy. Inspector
General, Group Centre, CRPF Bantalab Jammu.
Age 57 years.

Through :- Mr. A.K. Razdan, Advocate.

V/s

01. Union of India ….Respondent(s)
Through Secretary to Government
Ministry of Home Affairs, North Block,
New Delhi.

02. Director General, CRPF,
CGO Complex, Lodhi Road,
New Delhi.

03. Deputy Inspector General, Group
Centre, CRPF,
Bantalab Jamm

Through :- Mr. Sumant Sudan, assisting counsel to
Mr. Vishal Sharma, DSGI.

**Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE**

**ORDER(ORAL)**
**27.12.2024**

**01.** The petitioners, through the medium of the instant petition, are seeking direction upon the respondents to consider the case of the petitioners to extend the

upgraded pay scale of Sub Inspector (Min) to the petitioners with effect from the date of their promotion as such i.e., 02.12.1996 and 19.12.1996 respectively and release the monetary benefits as has been granted to the similarly situated petitioners in the judgment rendered by the Hon'ble High Court of Delhi in a batch of writ petitions, lead case titled ***"Ajit Singh and Others Versus Union of India and others"*** dated 14.18.2024.

**02.** Brief facts of the case are that the petitioners are presently working as Assistant Commandant (Min) and at present are posted in the office of Deputy Inspector General, Group Centre, CRPF, Bantalab.

**03.** It is stated that the petitioners came to be appointed as Assistant Sub-Inspector (Min) in the year 1988 since then they have been performing their duties to the entire satisfaction of his superiors and subsequently, the petitioners came to be promoted to the post of Sun-Inspectors (Min) in the year 1996.

**04.** It is further stated that in the year 1996, the 5th Central Pay commission came into force and recommended the pay revision in the pay scale of different posts of Central Government and recommended the pay revision to come into force with effect from 01.01.1996 and the petitioners also merited to be extended the benefit of pay revision with effect from the date of their promotion to the post of Sub-Inspector (Min).

**05.** It is also stated that the petitioners' pay came to be revised with effect from 10.10.1997 but the recommendations of the 5th Central Pay Commission provided that the pay revision is to be extended with effect from 01.01.1996.

**06.** It further stated that the petitioners came to be appointed as Sub-Inspectors on 02.12.1996 and 19.12.1996 respectively and thus, in accordance with the recommendations of the 5th Central Pay Commission, the benefit of pay revision was required to be extended to the petitioners with effect from

the date of their promotion to the post of Sub-Inspector (Min) i.e., with effect from 19.10.1996 but the petitioners were extended the benefit of pay revision with effect from 10.10.1997.

**07.** It is the specific case of the petitioners that representations came to be preferred by the petitioners before the respondents to extend the benefit of pay revision with effect from the date they came to be promoted to the post of Sub-Sub-Inspector (Min) but the same continue to remain un-dealt with as on date by the respondents.

**08.** Learned counsel for the petitioners submits that in similar matters pending before the Hon'ble High Court of Delhi, a batch of writ petitions came to be disposed of by the Hon'ble High Court of Delhi, lead case being ***"Ajit Singh and others Versus Union of India and others",*** vide its judgment dated 14.08.2024, and the perusal of which *inter alia* provides that the writ petitions came to be allowed and the respondents were directed to grant the benefit of pay revision with effect from 01.01.1996 against 10.10.1997. However, the Hon'ble Court directed the notional fixation of pay revision with effect from 01.01.1996 and consequential arrears were restricted to a period of three years prior to the filing of respective writ petition. It is submitted that the case of the petitioners is squarely covered by the aforesaid judgment rendered by the Hon'ble High Court of Delhi.

**09.** At this stage, learned counsel for the petitioners submits that the petitioners would feel satisfied, in case, the instant petition is treated as a representation and a direction is issued to the respondents to accord consideration to the same within some reasonable period.

**10.** Heard learned counsel for the petitioners at length and perused the record.

**11.** Issue notice to the respondents.

**12.** Mr. Sumant Sudan, assisting counsel to Mr. Vishal Sharma, DSGI accepts notice on behalf of the respondents and he submits that he is not averse to the

aforesaid preposition provided the case of the petitioners is directed to be accorded consideration under rules and as per law.

**13.** With the consent of learned counsel for the parties, the instant writ petition is taken up for final disposal and, is accordingly, ***disposed of*** by directing the respondents to treat the instant writ petition as a representation and accord consideration to the same strictly under rules and as per law within six weeks from the date a copy of this order along with copy of the instant writ petition and the annexure(s) are made available to the respondents. The order of consideration which is likely to be passed be forwarded to the petitioners by the respondents through registered post.

**14.** It is made clear while considering the case of the petitioners, respondents are directed to give weightage to the judgment rendered by the Hon'ble High Court of Delhi in a batch of writ petitions, the lead case being WP (C) No. 1022/2023, titled ***"Ajit Singh and Others Versus Union of India and others"*** decided on 14.08.2024.

**15.** The writ petition is ***'disposed of'*** in the manner indicated as above.

**(Wasim Sadiq Nargal)**
**Judge**

Jammu:
27.12.2024
Renu

Whether the Order is speaking? Yes/No.
Whether the Order is reportable? Yes/ No.

Renu Bala
2025.01.01 10:44
I attest to the accuracy and
integrity of this document